

MIAMI BEACH

Special City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
April 9, 2014

Mayor Philip Levine
Vice-Mayor Micky Steinberg
Commissioner Michael Grieco
Commissioner Joy Malakoff
Commissioner Edward L. Tobin
Commissioner Deede Weithorn
Commissioner Jonah Wolfson Arrived at 5:43 p.m.

City Manager Jimmy L. Morales
City Attorney Jose Smith
City Clerk Rafael E. Granado

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ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach, entitled "Lobbyists," requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's Office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

Meeting called to order at 5:02 p.m.

Pledge of Allegiance given by Frank Del Vecchio.

ADDENDUM MATERIAL 1:
R9B, R9C, R9D, R9E, R9F

ADDENDUM MATERIAL 2:
PA1, R9G

ADDENDUM MATERIAL 3:
R7C, R9H and R9I

ADDENDUM:

ACTION: Motion made by Commissioner Weithorn; seconded by Commissioner Tobin to add items PA1, R7C, R9B, R9C, R9D, R9E, R9F, R9G, R9H and R9I to the Commission Agenda; Voice-vote: 6-0; Absent: Commissioner Wolfson.

CONSENT AGENDA

ACTION: Motion made by Commissioner Weithorn; seconded by Commissioner Tobin to approve the Consent Agenda; Voice-vote: 6-0; Absent: Commissioner Wolfson.

SEPARATED ITEMS: None

Presentations and Awards

5:03:32 p.m.

ADDENDUM MATERIAL 2:

PA1 Key To The City To Be Presented To Jonathan Symons, For His Contributions To The City Of Miami Beach.

(Requested by Commissioner Joy Malakoff)

ACTION: Key to the City presented by Commissioner Malakoff.

Commissioner Malakoff explained that there are many snowbirds that come to the beautiful City of Miami Beach, but they have one special person in the audience all the way from London, England. Jonathan Symons does not just live here part of the year and enjoys the beautiful weather; he has contributed immensely to the City. His generosity has helped with funds to expand and increase the education for the youth; he has helped the Jewish Museum, enabling them to buy the building next door to expand their footprint; he has helped to start a new congregation in South Beach. He is very generous to his adopted City and this Commission would like to give him the Key to the City. She called Rabbi Gary Dickson, Rabbi Robert Davis, Rabbi Katz and Jo Ann Arnowitz, Executive Director of Jewish Museum of Florida, to join them.

Mr. Symons stated that he is honored to receive the award. He added that his association with these individuals is one of chemistry, but at a deeper meaning, is of the great work that they do in Jewish continuity on Miami Beach. He thanked everyone for this honor.

C2 - Competitive Bid Reports

C2A Request For Approval To Award A Contract, Pursuant To Invitation To Bid (ITB) No. 2014-094-SR, For The Miami Beach Golf Course Drainage Remediation Project.
(Capital Improvement Projects/Procurement)

ACTION: Request approved. **David Martinez and Alex Denis to handle.**

Handout and Reference Materials:

1. Letter from the Office of the City Attorney, dated April 7, 2014, relating to the Bid Protest Filed by Marks Brothers, Inc., relative to the Miami Beach Golf Course Drainage Remediation Project.

C2B Request For Approval To Award A Contract, Pursuant To Invitation To Bid (ITB) No. 2014-086-SR, For Citywide High Tide Mitigation Project.
(Public Works/Procurement)

ACTION: Request approved. **Eric Carpenter and Alex Denis to handle.**

C4 - Commission Committee Assignments

- C4A Referral To The Neighborhood/Community Affairs Committee Regarding Commercial Use Of Residential Properties.

(City Manager's Office)

ACTION: Item referred. Vania Pedraja to place on the committee agenda. **Hernan D. Cardeno to handle.**

- C4B Referral To The Finance And Citywide Projects Committee A Discussion Regarding The Miami Beach Convention Center Construction And Booking Schedule.

(Tourism, Culture & Economic Development)

ACTION: Item referred. Patricia Walker to place on the committee agenda. **Max Sklar to handle.**

C7 - Resolutions

- C7A A Resolution Approving And Authorizing The City Manager To Issue A Certification Of Consistency With The City's FY 2013-2017 Consolidated Plan To The Housing Authority Of The City Of Miami Beach (HACMB) For Its Annual Plan For Fiscal Year 2014, To Be Submitted By HACMB To The U.S. Department Of Housing And Urban Development (U.S. HUD).

(Housing & Community Development)

ACTION: Resolution 2014-28533 adopted. Maria Ruiz to handle.

Handouts and Reference Materials:

1. City's FY 2013-2017 Consolidated Plan To The Housing Authority Of The City Of Miami Beach (HACMB)

- C7B A Resolution Setting A Public Hearing To Adopt The Fourth Amendment To The Capital Budget For Fiscal Year (FY) 2013/14.

(Budget & Performance Improvement)

ACTION: Resolution No. 2014-28534 adopted. Rafael E. Granado to notice. Lilia Cardillo to place on the April 23, 2014 Commission Agenda if received. **John Woodruff to handle.**

- C7C A Resolution Approving And Authorizing The City Manager To Execute Any And All Documents On Behalf Of The City, As A "Non-Federal Sponsor," Pertaining To Mt. Sinai Medical Center Of Florida, Inc.'s Application For A Grant From The U.S. Army Corps Of Engineers' Continuing Authorities Program (The Grant) For Rehabilitation Of The Seawall At 4300 Alton Road (The Project); With All Work And Costs To Be Assumed By Mount Sinai; And, Provided Further, That Mt. Sinai Has Agreed To Indemnify And Hold The City Harmless From Any And All Claims And/OR Liabilities That May Arise, Whether Under The Project Itself, Or Under The Terms Of The Grant.

(Emergency Management)

ACTION: Resolution 2014-28535 adopted. Charles Tear to handle.

5:11:27 p.m.

- C7D A Resolution Approving And Authorizing The City Manager To Recapture And Reallocate, Respectively, \$119,197.84 Of Home Investment Partnership (HOME) Funds And \$50,264.79 Of Community Development Block Grant (CDBG) Funds; Amend The FY 2008 Through FY 2013 Action Plans; Issue A Notice Of A Thirty (30) Day Public Comment Period And Scheduling A Public Meeting On The Proposed Substantial Amendments To The City's FY 2008 Through 2013 Action Plans; Reallocate \$92,885 And \$26,312.84 Of The Home Funds To, Respectively, The Carrfour Harding Village Project, And To The FY 2014/2015 Funding Cycle, And Reallocate \$50,264.79 Of The CDBG Funds To The London House Apartments Project.

(Housing & Community Development)

ACTION: Resolution 2014-28536 adopted. Maria Ruiz to handle.

5:11:38 p.m.

Subsequent this matter being approved by the City Commission as part of the Consent Agenda, Dennis Russ from the Miami Beach Community Development Corporation (MBCDC) spoke. Mr. Russ notified the City Commission that he has distributed to the every member of the City Commission a letter from the MBCDC's attorney, who could not be present today. The MBCDC received notice last Monday that this matter would be before the City Commission. It is a matter that recaptures funding to the organization. That funding is a product of a contractual relationship between the City and MBCDC. The implications of recapturing the funds are to terminate and discontinue the contract. That entails, as well, a change in the one-year Action Plan, which requires the City to conduct a public hearing on changes in the Action Plan. The Administration memorandum for the item before the Commission indicates that the City will conduct that public hearing after the Commission takes this action today. It does not seem appropriate to Mr. Russ to have the public hearing and the 30-day comment period after the City Commission takes the action. The MBCDC is asking for an opportunity for there to be consideration of the concerns that the MBCDC has. The MBCDC recognizes the fact that there are matters that must be addressed. The MBCDC is looking forward to addressing those matters, but the MBCDC needs the opportunity for their attorneys and members of their organization to be in dialogue with the City Commission on the proposed action; an action that will have a major impact on the MBCDC.

In closing, Mr. Russ took the opportunity to congratulate the newly elected members of the City Commission, as he has not been before them previously.

Mayor Levine explained that this item had already been voted and approved as part of the Consent Agenda.

Clerk's Note: The City Commission took no action to reconsider the matter.

Handouts and Reference Materials:

1. Letter from Robert M. Klein, Esq. dated April 9, 2014, Regarding Response to proposed resolution authorizing recapturing reallocation of CDBG and Home Funds.
2. Email from Denis Russ, Miami Beach Community Development Corporation, regarding above referenced letter.

C7E A Resolution Authorizing The City Manager To Execute An Agreement For The Acquisition And Maintenance Of Handheld And Mobile License Plate Recognition (LPR) Parking Enforcement Systems With Omnipark; And Further Waiving, By 5/7th Vote The Formal Competitive Bidding Requirements, Finding Such Waiver To Be In The Best Interest Of The City.
(Parking/Procurement)

ACTION: Resolution 2014-28537 adopted. Saul Frances and Alex Denis to handle.

End of Consent

REGULAR AGENDA

R2 - Competitive Bid Reports

5:24:26 p.m.

R2A Request For Approval To Issue A Request For Qualifications (RFQ) No. 2014-199-SR For Flooding Mitigation Consulting Services.
(Public Works/Procurement)

ACTION: Request authorized. Motion made by Commissioner Malakoff; seconded by Commissioner Weithorn; Voice vote: 6-0; Absent: Commissioner Wolfson. **Eric Carpenter and Alex Denis to handle.**

Jimmy L. Morales, City Manager, stated that this item is seeking approval to an RFQ for flooding consulting services. Concerns have been expressed by the Blue Ribbon Committee (Blue Ribbon Panel on Flood Mitigation) that the City is embarking on a level of projects that are extremely significant for the City. It has been expressed that it will be a good idea to have a second opinion by having a consultant firm that they can turn to occasionally for guidance; this will not be a project manager, but truly an outside consultant to assist, give advice, and offer second opinions. This will bring comfort to the City Commission and to the Blue Ribbon Committee that they are headed down the right path. He added that to make sure that cost is not a concern; he will be willing to bring monthly reports to the City Commission as to the expenses, and to seek authorization if it gets into higher numbers.

Commissioner Weithorn asked where the funding is coming from.

Jimmy L. Morales, City Manager, stated that the funding would be coming mostly from the Storm Water Utility Fund. They will seek funding from grants or other sources, but initially it will be from the Storm Water Utility.

Commissioner Weithorn stated that she would like answers that are more definitive. She added that cost should be included. **Eric Carpenter to handle.**

Commissioner Malakoff stated that this is a major item and feels the City needs the guidance of somebody very familiar with this type of project such as a hydrogeologist who understands this science. She does think that they have a wonderful Engineer and a wonderful Public Works Department, but an outside consultant is essential.

Commissioner Tobin stated that he is expressing what he always expresses, that the City should consider hiring somebody to work here that has the specialty needed. He added that sometimes they hire the expert, and the expert only mirrors what the staff wants to do. This is also true of the auditors the City hires. The auditors do not report to the City Commission and ask what the Commission wants them to look at. He stated that this should be considered. He would like to have somebody more objective.

Jimmy L. Morales, City Manager, stated that they try to beef up personnel in the areas that will still be needed five or six years later, but not on something that will not be necessary later on.

Mayor Levine stated that what Commissioner Tobin expressed is actually a very good idea, and this is not a problem that is going away. He suggested that down the road, when working with the consulting firm, if the Administration sees somebody that has the specialty in this area that the Administration may decide to recruit. He added that they might need to find the budget for this high-level staff in the future. Initially, they will go with the consulting firm. **Eric Carpenter to handle.**

Commissioner Tobin suggested that the expert be retained on a fixed fee agreement.

Discussion held.

R7 - Resolutions

5:14:55 p.m.

R7A A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals, Pursuant To Request For Qualifications (RFQ) No. 2014-142ME, For The Design Criteria Professional Services For The Miami Beach Convention Center Renovation.
(City Manager's Office/Procurement)

ACTION: Resolution No. 2014-28538 adopted. Motion made by Commissioner Tobin to approve the item accepting the City Manager's recommendation of Fentress Architects; seconded by Commissioner Weithorn; Voice vote: 6-0; Absent: Commissioner Wolfson. **City Manager's Office and Alex Denis to handle.**

Jimmy L. Morales, City Manager, introduced the item and recommended Fentress Architects. Mr. Morales stated that not that long ago they started with an RFQ for the selection of the design criteria professional to prepare the design criteria package that would then be turned into a design build RFP process later this year. The City Commission challenged them to come forward on a fast track. The RFQ was issued by approval of the City Commission. The City had eight outstanding proponents that came forward. The City Manager personally reviewed all of the applications and submissions and sat through the committee process. Three companies did stand out and the committee evaluated them. It was close but the entity recommended by the

evaluation committee is Fentress, and they would have been the City Manager's vote as well. Fentress is a company that has created world-class convention centers in Denver and San Diego. It was a close and competitive process and the City Manager thanks the committee that worked on this and his staff.

Motion made by Commissioner Tobin; seconded by Commissioner Weithorn; Voice vote: 6-0; Absent: Commissioner Wolfson.

Mayor Levine stated that this is a great firm and a great choice, but suggested looking at local architects to be attached to the project somehow in order to facilitate the process. **City Manager's Office and Alex Denis to handle.**

Jimmy L. Morales, City Manager, explained that this was discussed during the evaluation process and there will be a series of sub-contractors that will be local. He also gave a status report on the Convention Center. The City Manager stated that originally he had promised by the April 23 Commission meeting to bring forth the alternative hotel sites. Considering the fact that the design of the Convention Center renovations and expansion may affect some of the sites, it makes sense under the conceptual phase, in June, to make the hotel site(s) recommendation at that time. For example, where the ballroom is located could affect potential hotel sites, so he will not be making the recommendation on the sites on April 23, as it is premature. Additionally, on this agenda, the Commission approved a Special Finance and Citywide Projects Committee meeting on April 30, to focus on the construction schedule and how it affects the Convention Center bookings. That is going to be a critical decision. Last time, it had been agreed that the Convention Center be open throughout the construction, which affected timing and costs. That is a discussion that the Commission should have, and it should commence on April 30. The list of the currently scheduled events will circulate tomorrow, so the Commission can look at that. One of the issues obviously is always funding, and he has directed staff to reach out to the County officials on the extension of the RDA. One of the issues that will affect this project is going to be the floor height as affected by flooding decisions; this issue must be resolved promptly. There are meetings scheduled with the design professional team and staff, it is their intention to, at some point in early May, sit down with each member of the City Commission, get their visions and work on the process.

Mayor Levine stated that 1) there will be talks about hiring a local architect and 2) he will attend the Finance and Citywide Project Committee meeting of April 30, because it is incredibly important that his project is moved along very fast. There are large industries that want to come to Miami Beach, and they need a state-of-the-art Convention Center. There is a tradeoff between shows that are booked and shows that they may not be able to book during the construction process and tough choices need to be made. The Mayor emphasized that this project needs to move fast. As far as the hotel, he agrees with the City Manager's recommendation, but the Mayor stated that the hotel component must be fast tracked as well. **City Manager's Office and Alex Denis to handle.**

Commissioner Weithorn recommended that the Administration 1) add the hotel timing to the timeline handed out, and 2) this timeline needs to be posted for the public to view. She requested that Fentress Designs and the entire Commission be present on April 30 at the Special Finance and Citywide Project Committee meeting, so everybody will have input. **City Manager's Office and Alex Denis to handle.**

Commissioner Grieco stated that he knew of the Fentress group even before he knew who was placing bids on the project. Commissioner Grieco is familiar with their San Diego project. For the

folks that are not familiar with the project in San Diego, Fentress took into account connectivity. Convention Centers are not good for walkable cities, but in San Diego, Fentress overcame this obstacle. Commissioner Grieco is looking in the Miami Beach design something along the lines of the grand staircase that Fentress did in San Diego, which allows folks not to walk around the Convention Center, but rather go over it. These are the kinds of ideas and he is excited to see.

5:23:48 p.m.

Mr. Curtis Fentress, of Fentress Architects, spoke and introduced Michael Winters, main lead designer, and John Kudrycki, the project manager. Miami Beach is a world-class City, and it deserves an excellent Convention Center. They are here to get started tomorrow, and they look forward to working with the City.

Handout or Reference Materials:

1. Miami Beach Convention Center Renovation Key Commission Dates
2. The Miami Herald Ad 869

5:48:34 p.m.

R7B Appointment Of Chief Special Master:

1. A Resolution Accepting The Recommendation Of The City Manager, Pursuant To Section 30-36 Of The Code Of The City Of Miami Beach, Concerning The Appointment Of Enrique Zamora, Esq., To Serve As Chief Special Master, For A Term Commencing On April 10, 2014, And Ending On October 9, 2014; Provided Further That Chief Special Master Zamora Shall Be Authorized To Hold Hearings And Impose Fines, Liens And Other Non-Criminal Penalties Against Violators Of The City And County Codes And Ordinances, And Shall Also Be Authorized To Appoint Such Other Special Masters As May Reasonably Be Required To Conduct The Subject Hearings; And Further Incorporating All Other Matters Set Forth Within Chapter 30 Of The City Code, Including, Without Limitation, Sections 30-37 And 30-38 Thereof, Concerning The Compensation And Duties Of The Chief Special Master.

ACTION: Item deferred to the April 23, 2014 meeting. Motion made by Commissioner Malakoff to defer the item; seconded by Commissioner Weithorn. Motion approved by acclamation. **Rafael E. Granado to handle.** Lilia Cardillo to place on the Commission Agenda.

Jimmy L. Morales, City Manager, introduced the item. One of the appointments that the City Commission makes is the appointment of a Chief Special Master who proceeds to appoint the other Special Masters. The City Manager had the honor and pleasure of being the Chief Special Master of Miami Beach for about two years. The gentleman he is recommending for appointment today was one of the Special Masters he had the opportunity to appoint during his tenure. Enrique Zamora is a professional, fair and balanced individual. Staff enjoys working with him - the Code and Building staff who prosecute the cases and the Clerk's Office that handles the docket, appreciate his work. Consistent with the philosophy he started a year ago to make City processes user friendly and solve problems, come into compliance and not necessarily punish residents more than necessary, he recommends Mr. Zamora. In the 12 years the Manager has known Mr. Zamora, he has never heard a complaint about him from either residents or businesses; he has only heard good things from those who interact with him.

Commissioner Grieco stated that he is voting “no” on this issue, as he has not had an opportunity to meet with Mr. Zamora, and he does not have enough information to vote on. It is not anything against Mr. Zamora; it is that he does not have enough information at this time.

Commissioner Malakoff spoke to Mr. Zamora and she is very impressed with his work on elder law, and moved the item.

Commissioner Wolfson seconded the motion.

Commissioner Grieco feels uncomfortable, and wants this item deferred to the April 23 meeting.

Commissioner Wolfson stated that this is not a reflection on Mr. Zamora, because Mr. Zamora is his number one choice for Chief Special Master.

Commissioner Weithorn would like the opportunity to meet with Mr. Zamora.

Commissioner Malakoff withdrew her previous motion, and moved to defer the item to April 23, 2014; seconded by Commissioner Grieco. Motion approved by acclamation.

2. A Resolution Approving And Appointing, Pursuant To Section 102-356 Of The City Code, Enrique Zamora, Esq. (Chief Special Master Appointed Pursuant To Resolution No. _____), As The City Manager’s “Designee” Under Section 102-356 Of The City Code; Said Designation Commencing With Mr. Zamora’s Term As Chief Special Master On April 10, 2014, And Ending On October 9, 2014.
(City Clerk’s Office)

ACTION: Item deferred to the April 23, 2014 meeting. Rafael E. Granado to handle.
Lilia Cardillo to place on the April 23, 2014 Commission Agenda.

5:54:41 p.m.

ADDENDUM MATERIAL 3:

- R7C A Resolution Welcoming Major League Soccer (“MLS”) To South Florida And Urging That An MLS Stadium Not Be Located At The Port Of Miami.
(Requested By Mayor Philip Levine)

ACTION: Item heard in conjunction with item R9H. **Resolution No. 2014-28539 adopted.** Motion made by Mayor Levine; seconded by Vice-Mayor Steinberg; Voice vote: 7-0. **Joe Jimenez and Jose Gonzalez to handle. Rafael E. Granado to transmit the Resolution to the County Mayor and the members of the Board of County Commissioners.**

Mayor Levine stated that he is very excited that a Major League Soccer team wants to come to Miami, but he believes that the proposed location at the Port of Miami is not appropriate because it will severely affect the traffic on the McArthur Causeway. Unless they have a mass public transportation system in place, the proposed Soccer Stadium at the Port of Miami will do major harm. Vehicles will be using the Port Tunnel to get to the Port of Miami, which means traffic that is going eastbound will be backed up, not only on game days, but always. As a City, they need to let their voice be known that this is something the City does not favor.

Vice-Mayor Steinberg stated that item R9H, which she placed on the agenda, is about the same subject. Vice-Mayor Steinberg had asked for a presentation from the City Manager on the anticipated traffic impact if the proposed Soccer Stadium is placed at the Port of Miami.

Mayor Levine stated that it is important for the City Commission to let the County know the City's position on the subject.

Thereupon, the Mayor passed the gable to Vice-Mayor Steinberg, and made a motion in favor of the resolution; Vice-Mayor Steinberg seconded the motion.

Discussion held.

5:56:53 p.m.

R9A Discussion And Referral To The Neighborhood/Community Affairs Committee - Renaming Of The Scott Rakow Youth Center Ice Skating Rink In Memory Of Barbara Medina.
(Requested by Commissioner Joy Malakoff)

ACTION: Discussion held. **Item referred.** Motion made by Commissioner Malakoff; seconded by Commissioner Weithorn; Voice vote: 7-0. Vania Pedraja to place on the committee agenda. **John Rebar to handle.**

REFERRAL:

Neighborhood/Community Affairs Committee

Commissioner Malakoff explained that Barbara Medina was the proponent of the ice skating rink at the Scott Rakow Youth Center and she was the person that advocated to make it happen; Barbara enjoyed teaching the kids how to ice-skate and taking them out of state on competitions; she was wonderful. She passed away two years ago, and Commissioner Malakoff thinks it would wonderful to memorialize Barbara Medina by having her name on the ice skating rink for everyone to know of the great deeds she has done for Miami Beach and our children. Commissioner Malakoff made it clear that this is not to rename the Scott Rakow Youth Center. The Center remains the Scott Rakow Youth Center, and they honor Scott Rakow every day and every year. This is in memory of Barbara Medina for the ice-skating rink specifically.

6:55:16 p.m.

ADDENDUM MATERIAL 1:

R9B Discussion Regarding The Bayshore Neighborhood General Obligation Bond.
(Requested By Mayor Philip Levine)

ACTION: Discussion held. Motion made by Commissioner Weithorn; seconded by Commissioner Malakoff to approve the recommendations below; Voice-vote: 7-0.

RECOMMENDATIONS:

- Neighborhood plan will not be changed;
- Go forward with the work now, but by the next meeting the Administration must present a deal that if contractor does not finish the Flamingo portion by September 1, there will be penalties; in the meantime, as an alternative, the City Manager needs to draft a fast bid to finish it; and

- The City Manager is to include in the contract, a liquidated damages provision in an amount to be determined by the City Manager.

Jimmy L. Morales, City Manager, introduced the item.

David Martinez, CIP Director, explained that this is a project that the Commission awarded on January 2011. A notice to proceed was given to the contractor on October 28, 2011, with a completion date, at the time, of October 2013. On July 2012, scope was added to the project and a change order was done, which added several months to the project and a completion date of June 2014 was established. The project now is at 65% completion, as it relates to dollars. However, there are issues with the project design due to unforeseen conditions and other things, and there has been the new criteria established by the City as a result of the Mayor's Blue Ribbon Committee on Flooding. These flooding related changes will be done as Phase 2, which will bring a great deal of storm improvements necessary to comply with the heightened criteria. However, CIP is at a point where they do not think the project is going to finish, especially as it relates to Flamingo Drive area north of 34th Street on June 2014.

City Manager Morales clarified that the area withdrawn and going back up to bid was with the consent of the contractor; the area north of that they are still finishing.

Mr. Martinez explained that the City and the contractor agreed to remove from the contract the portion south of 44th street and look at the enhanced stormwater improvements. The area on Flamingo Drive, which is in the original construction contract, CIP has been having difficulty getting that portion continued. They were able to start the work around January of this year and have not been able to come to a consensus. They attempted to come up with a period for the contractor to finish it, but the schedules have not been satisfactory to the City, and they proposed to the City Manager to extract that portion from the contract also, and seek an alternative method of getting that portion of the construction finished.

Discussion held.

Mayor Levine stated that he is more inclined to get another contractor on an emergency basis to finish it and to do it very fast. Discussion continued.

Commissioner Weithorn asked what would be the fastest way to get this done for the residents.

David Martinez, CIP Director, stated that the contractor has stated that they would be substantially completed by September 1, which will be acceptable to the City.

Commissioner Wolfson asked if the contractor would agree to imposition of penalties and David Martinez, CIP Director, answered not at the moment.

Mayor Levine stated that he is more inclined to figure out a solution with a different contractor. Discussion continued.

Jose Smith, City Attorney, explained that the current situation would not be deemed an emergency such that it would allow waiving competitive bidding.

Commissioner Wolfson stated that, in his opinion, the fastest way to get this done is to hold the current contractor to the fire and get it done.

Mayor Levine stated that he is not worried if they cannot waive competitive bidding. The City can do a 30 days fast bidding and get another contractor to finish the work. He added that unless there is some kind of incredible guarantee, that during the next Commission Meeting at the end of the month the City has guarantees with major financial penalties, he is willing to get another contractor.

Commissioner Wolfson suggested adding this item to the next agenda and the financial penalties will be that if there is no progress made, the City Commission takes that into consideration when future projects are awarded.

Commissioner Weithorn concurs with Commissioner Wolfson, and she stated that the City has changed the plans multiple times. She emphasized that the neighborhood plan will not be changed because the plan will be finished, they will get a contractor and the job will be done. If there is a problem, it will be dealt with the next time. Neither the City nor the contractor is completely without fault. At the next Commission meeting, she wants to see significant penalties clause included in the contract that would be triggered if the project is not completed on time.

Mayor Levine stated that they need to work out a deal, and at the next meeting, there should be significant penalties if this project cannot be competed. If there is no deal in place by the next meeting, this will go out to a fast bid.

Discussion continued.

David Martinez, CIP Director, stated that the contractor has informed him that they are ready, willing and able to proceed immediately.

Mayor Levine stated it is agreeable for the current contractor to proceed, but they must have assurance that by the next City Commission meeting, there is a financial punitive agreement in place that if this project is delayed or not finished, it will be painful to the contractor. If this does not happen, the Mayor will move to find a new contractor.

Discussion continued.

TO DO:

Mayor Levine emphasized that 1) the City can go forward with the work now, 2) by the next Commission Meeting they have to present a deal that includes a provision that if the Contractor does not finish the Flamingo portion by September 1, there will be penalties and 3) in the meantime the City Manager needs to draft a fast bid to finish it. **David Martinez to handle portions 1 and 2. Alex Denis to handle portion 3.**

Discussion continued.

Jose Smith, City Attorney, suggested authorizing the City Manager to include in the contract a liquidated damages provision in an amount to be determined by the City Manager. Motion made by Commissioner Weithorn; seconded by Commissioner Malakoff; Voice-vote: 7-0.

Clerk's Note: At the April 23, 2014 Commission meeting, the following item will be placed on the Agenda: A Resolution Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Authorizing The Mayor And City Clerk To Execute Amendment No. 3 To The Construction Contract Between The City Of Miami Beach, Florida, And Lanzo Construction Co., Florida, For The Construction Of The City Of Miami Beach Right Of Way Infrastructure Improvement

Program, Neighborhood No. 8 Central Bayshore (Package A) And Lake Pancoast (Package C); Dated April 8, 2011 (The Contract), For 63 Calendar Days Non-Compensable Time Extension For The Construction Of The Remaining Stormwater And Roadway Improvements For Flamingo Drive, From Approximately West 28th Street, To Approximately The Intersection With Pine Tree Drive To The North.

7:08:48 p.m.

ADDENDUM MATERIAL 1:

R9C Discussion Regarding Code Enforcement On Ocean Drive And Lincoln Road.
(Requested By Mayor Philip Levine)

ACTION: Discussion held.

TO DO:

1. Establish a policy and a program for Code Enforcement Officers to be undercover on Lincoln Road and Ocean Drive.
2. Enforce the "no skate boarding ordinance" on Lincoln Road.
3. Commission to have a discussion regarding a skateboard park.
4. Review the craft sales policy, which has morphed into people begging for money while playing instruments.
5. Draft ordinance prohibiting the riding of bicycles on Lincoln Road.
6. Draft an ordinance that sidewalk cafés are not allowed to run electrical cords and water on the sidewalk.

Mayor Levine stated that recently Commissioner Tobin and he took a long walk on Lincoln Road. The Mayor stated that they were hawked by numerous peddlers, individuals and businesses on both Lincoln Road and Ocean Drive. It was terrible. The Mayor added that Code enforcement on Lincoln Road needs to be beefed up, and must be undercover. Code Officers in uniforms do not work. The City needs to come up with a program and a policy to have Code officers undercover.
Hernan Cardeno to handle.

Discussion held.

Herman Cardeno, Code Enforcement Director, stated that they are looking at different strategies.

Jimmy L. Morales, City Manager, stated that they have issued 50 deficiency letters to sidewalk cafes and unless they come into compliance, they will be shut down.

Mayor Levine added that they should enforce the no skateboarding ordinance on Lincoln Road, as skateboarders traveling at high speeds pose a danger in the pedestrian mall.

Jimmy L. Morales, City Manager, stated that they are looking at security guards on Lincoln Road that not only will patrol the area, but also have authority to enforce regulations.

Discussion held.

Mayor Levine stated that the Commission should have a discussion regarding building a skateboard park, so skateboarders have a place to go. **John Rebar to handle.**

Commissioner Malakoff asked if bicycle riding is allowed on Lincoln Road. Jose Smith, City Attorney, responded that it is allowed. Commissioner Malakoff requested that this be changed.

Commissioner Grieco explained that he was also working on the bicycle prohibition on Lincoln Road. **City Attorney's Office to handle.**

Commissioner Tobin stated that some while back, the City Commission authorized individuals who made crafts to sell them in certain spots; however, this has morphed into people begging for money while playing instruments. Commissioner Tobin asked that this be looked at as well. **Hernan Cardeno to handle.**

Commissioner Weithorn stated that it is annoying walking on the sidewalk on Ocean Drive, through the middle of an eating establishment, and they have electric cords and water running across the sidewalk. She requested drafting an ordinance stating that this will not be permitted. **Joe Jimenez and City Attorney's Office to handle.**

Commissioner Wolfson reiterated his concerns, which he has voiced at previous meetings, regarding tour busses and restaurant and tour bus ticket peddlers on Ocean Drive.

Joe Jimenez, Assistant City Manager, stated that he met with staff from the Building, Code and Public Works Departments to address all the concerns and they are coming up with comprehensive solutions to these issues.

Discussion continued.

5:31:56 p.m.

ADDENDUM MATERIAL 1:

R9D Discussion Regarding Boat Mooring.

(Requested By Mayor Philip Levine)

ACTION: Discussion held.

TO DO:

Add to the legislative agenda amendment of state law to allow additional mooring fields for the City of Miami Beach. Commence working on this now.

Officer Larry Marrero, Patrol Unit, stated that he is present to answer any questions

Frederic Carlton described the major problem that has occurred as a result of individuals mooring their boats in the back of residents' homes along the islands at Sunset Lake and other parts of Miami Beach. They have transient boaters that come and they stay behind residents' homes for months at a time. Mr. Carlton has concerns about the waste produced by these boats. Additionally, having these boaters there is very intrusive to the residents; it is like being in a "fish bowl." Mr. Carlton stated that he has spoken to representatives from the Florida Fish and Wildlife Commission and the Department of Environmental Protection regarding the establishment of mooring areas where these boaters could go. Mr. Carlton inquired about the City creating a pilot mooring area. Mr. Carlton also detailed a recent situation where he crashed at night into one of these boats, since the boat was not illuminated and, therefore, not visible.

Nelson Gonzalez spoke. Mr. Gonzalez owned a home on Sunset Lake, and described that there were always boats parked there. He is concerned that the children that live on lower North Bay Road play on the lake on surfboards and floating devices, and no one knows what is being

discarded into these waters by the boaters. In addition, these boaters are constantly peering at the children with binoculars. Mr. Gonzalez described a situation where a boat was speeding, got into an accident and injured a child.

Mayor Levine asked Officer Marrero what is his experience on this problem.

Officer Larry Marrero stated that in 2005, the City enacted an Ordinance on anchorage that restricted the time boaters may stay anchored on a particular area, but the State of Florida overruled it by enacting preemptive legislation, and now there are no navigational laws to prevent them from anchoring for any period of time in any city in the State of Florida. The Officer added that there are pilot programs where they have mooring fields set up and that enables the cities to say that boaters are only able to anchor on these areas. He stated that the City of Miami is working on a project, but it is not complete. There is definitely a problem.

Mayor Levine stated that the City could look to see if they can be on that mooring program.

Jose Smith, City Attorney, explained the City ordinance from 2005 addressed many of the issues brought today. However, after much lobbying by the boating industry, the State enacted legislation preempting municipalities from regulating anchoring and mooring. There are, however, opportunities for the City to regulate dumping of garbage, navigational hazards, safety and obstruction issues.

Officer Larry Marrero stated that they do enforce those issues listed by the City Attorney and also proper lighting and speed regulations. Marine Patrol also inspects the boats to be sure that they have the holding tanks and the valves required. He reported that Marine Patrol has cited about 50 vessels on the lighting issue.

Gary Held, First Assistant City Attorney, explained that in 2009 when the State adopted the statute preempting the City's ordinance, they created an opportunity for three mooring fields Statewide. That pilot program has ended. In order to participate and create mooring fields they need to have an amendment of State law to allow additional mooring fields by local governments, then they can regulate outside the mooring field. Mr. Held added that Representative Richard Steinberg tried in 2010 to accomplish this, but it did not happen. They recently had a meeting with Representative Richardson and he is willing to pursue it again, but it should be part of the City's legislative agenda.

Commissioner Weithorn asked if this issue should be added to the legislative agenda.

Joe Jimenez, Assistant City Manager, stated that it was too late to add it this year, but they have time to do it for the next legislative session.

Ronald Krongold stated that he was involved in the original City Ordinance that was passed where boaters could only stay for seven days. Mr. Krongold complimented the work of the City's Marine Patrol, but added that their work is difficult, as they cannot constantly monitor these boats. Mr. Krongold suggested that the City should focus on passing legislation that will correct these problems. Their whole effort has to center around working with Representative Richardson and getting appropriate legislation passed in Tallahassee.

Fred Carlton spoke regarding mooring fields and creating additional mooring pilot programs.

Discussion held.

Commissioner Weithorn suggested, and the City Manager concurred, that even though it may be too late for this legislative session, the City should commence its conversations with the State on this matter now. By doing so, the City ensures that it will have all that is necessary on its part done prior to the next legislative session. Commissioner Weithorn does not want the City to realize that it has missed a crucial step during the next legislative session. **Joe Jimenez to handle.**

Dr. Howard Davis detailed that recently a sailboat broke away from its anchor and hit his dock. Subsequent to that, he learned that none of the sailboats carry liability insurance. In times when storms threaten, everybody comes and bring their boats to these areas, posing a danger to the nearby residents. Dr. Howard asked for legislation requiring that boats carry \$5 million in liability insurance.

Vice-Mayor Steinberg thanked everyone for bringing this forward, and commented that she too was working on this matter.

Commissioner Tobin stated that the City Commission passed a resolution telling the Police Department to start boarding these boats and putting dye packs into their tanks, and if they dump their sewage into the water, it makes a colored circle around the boat. This was requested of the Administration about four years ago, but nothing has occurred. Commissioner Tobin requested that this be undertaken.

Jimmy L. Morales, City Manager, stated that he has been given direction to figure out exactly what needs to be done. The City will be in a position by the next legislative session to do what is needed. He will come back to the City Commission on this. **Joe Jimenez to handle.**

5:58:56 p.m.

ADDENDUM MATERIAL 1:

R9E Discussion Related To The City Attorney's Office.

(Requested By Mayor Philip Levine)

ACTION: Discussion held. **Resolution 2014-28540 adopted.** Motion made by Commissioner Wolfson to appoint Raul Aguila as City Attorney; seconded by Commissioner Weithorn. Voice vote 7-0. **Sylvia Crespo-Tabak to handle.**

Mayor Levine stated that Jose Smith, City Attorney has resigned after many years of service to the City and it is appropriate to discuss his replacement. They are sorry to see Jose go. The Mayor recognized Mr. Smith for his great work.

Commissioner Wolfson stated that Mr. Smith has served the City for many years with honor and dignity. He has good common sense and positive legal analysis to the issues at the dais. He did a fine job as City Attorney and should be very proud of himself, as well as his family; he did the right thing with difficult issues and he deserves their respect.

Discussion held.

Commissioner Wolfson added that he has had the pleasure of working with Raul Aguila for many years and he represents many of the wonderful qualities that Mr. Smith exhibited during his service, and he thinks Raul would be a wonderful successor. Motion made by Commissioner

Wolfson to appoint Raul Aguila to be the next City Attorney upon Mr. Smith's resignation.

Commissioner Weithorn stated that to appoint Raul speaks volumes about the work that Mr. Smith has done. The fact that Jose Smith has full confidence in Raul shows the kind of work Mr. Smith leaves behind and he should be proud of that. She seconded Commissioner Wolfson's motion.

Commissioner Tobin stated that Jose is honest, smart, hardworking, and a man of integrity. North Miami Beach is lucky to have him.

Vice-Mayor Steinberg has enjoyed sitting next to Jose Smith and thanked him for his help over the years on a personal note as well.

Mayor Levine stated that Mr. Smith made his first four months in office very enjoyable, and he is a great advisor.

Commissioner Malakoff has known Jose Smith for many years, he has been great and it has been wonderful working with him. North Miami Beach will enjoy having him. Mr. Smith added that North Miami Beach is where he used to practice law for 25 years.

Motion made by Commissioner Wolfson to appoint Raul Aguila as the next City Attorney; seconded by Commissioner Weithorn. Voice vote: 7-0.

Mayor Levine congratulated Mr. Aguila.

Raul Aguila, Chief Deputy City Attorney, stated that this is the happiest day of his professional life. It is an honor to be appointed. He loves Miami Beach. It is an honor to do what he does every day and it has been an honor for the past eight years to work with Mr. Smith. Mr. Smith is a class act and has been wonderful to work with. Mr. Smith gave him tremendous opportunity, by making him his Deputy and then Chief Deputy. Raul has always relied on Mr. Smith's opinion, as he has relied on him, and it is a tremendous honor to succeed Jose as City Attorney, even though he begged him not to go. Raul promised to continue to do his best and give the City 200%, for Miami Beach is the most amazing City in the United States, if not the world.

Commissioner Wolfson asked what the formality to follow is.

Jose Smith, City Attorney, explained that the day he resigns, Raul Aguila will be sworn in.

6:07:41 p.m.

ADDENDUM MATERIAL 1:

R9F Discussion Regarding A Motion Passed By The Parks & Recreational Facilities Advisory Board On April 2, 2014, Requesting That The Space Currently Designated As The Par 3 Putting Green, And The Space That Includes The Open Space Adjacent To The Scott Rakow Youth Center Building, Pool And Parking Lot, Be Fully Considered As An Open Play Area For The Children Of Miami Beach.

(Requested by Commissioner Edward L. Tobin)

ACTION: Discussion held. Motion made by Commissioner Weithorn to schedule a Public Hearing for April 23, 2014 to discuss changes in designation, use, and modification to the plans,

approved for the Par 3 Golf Course located at 2795 Prairie Avenue, Miami Beach, 33140, as provided in the Stipulated Settlement Agreement approved and adopted by the 11th Judicial Circuit Court in and for Miami-Dade County on October 28, 2011 in Bayshore Homeowners Assoc., Inc. v. City of Miami Beach, Case No. 07-42998, and stop all work until further action is taken; seconded by Commissioner Wolfson; Voice vote: 6-1; Opposed: Commissioner Grieco. **David Martinez to handle.** Lilia Cardillo to place on the Commission Agenda.

TO DO:

- Schedule a Public Hearing for April 23, 2014 to discuss modifications to Par 3 Golf Course.
- Stop all work until further action.

Commissioner Tobin stated that he received an email from John Gruff, Chair of the Parks and Recreational Facilities Board. He added that the Par 3 golf course is located behind the Scott Rakow Youth Center. The City at various times in the past 20 years took some of that property under a covenant that should only be used for park services, the City expanded the Public Works area and the neighbors became concerned. About five years ago, the City was considering what to do with the property and some of the neighbors were adamant to have the Par 3 golf course. The course is not used much and he thought that spending a couple of million dollars to rehab the Par 3 golf course, since the City already has two other golf courses, is an over expenditure of money. At one point, the Design Review Board opined that some amenities should be placed behind the Scott Rakow and the City Manager urged the Commission to vote against the DRB recommendation, which they overruled, and ended up placing some plant amenities along Pine Tree Drive. The fact is that the City could have done a better job. When he asked residents if they like a passive park, he does not get the sense that they mind, but they are concerned that a Public Works facility will end up being built there. He agreed at a prior Commission Meeting to redo the Par 3 golf course, and in exchange, he was able to negotiate a tot lot and a splash pad.

Commissioner Malakoff stated that one of the problems facing the children today is childhood obesity, and one of the things children at Scott Rakow Youth Center need is fresh air and exercise.

Commissioner Wolfson asked what could be done legally. He wants to know from the City Manager how far they are from completion, what they have done so far and how much money has been spent on soft and hard costs. He asked the City Attorney to give them an idea of what legal flexibility they have.

David Martinez, CIP Director, explained that at the January Commission Meeting, the Commission awarded the contract to TGS and they are in the process of having permits being reviewed by South Florida Management District and DERM, and once they get those permits back within a week, and a building permit is obtained, they could be breaking ground in early May.

Discussion held on soft costs spent and considering a passive park.

Jose Smith, City Attorney, explained that there are two settlement agreements: one in Federal Court and a most recent one reached in 2011. The last settlement agreement states that as long as the changes made go from golf course to a passive recreational use, the Commission can do that with a 5/7 vote; if they want to do an active recreational use with activity fields such as soccer or baseball uses, that would require a 7/7 vote of the Commission. To clarify, he added that an amendment of the settlement agreement requires a 5/7 vote.

Discussion continued.

Commissioner Weithorn stated that it is a great deal of money, but the money could be used for students to play golf and her concern for the passive park is that students that do not want to go school can use the area to hang out. She thinks turning the putting green into green space allows the students to use the Par 3 and is better than having this passive park, which might attract students that may want to skip school. Discussion held.

Commissioner Malakoff added that there are many people in the community that like playing golf; the area is also more secure when there are people throughout the day, there are activities that make it safer, and the type of landscape you place for a golf course one can easily see across; however, for a passive park there will probably be heavy vegetation with trails through it which will bring more security issues.

Commissioner Grieco visited the Scott Rakow Youth Center and agrees with Commissioner Tobin. He also attended the Bayshore Neighborhood Association meeting, and spoke to former Commissioner Exposito and believes this Commission needs to take action. That is the main concern of the neighborhood. His question for David Martinez, CIP Director, is if they shift the putting green to another location, how much will it affect timing, and is it possible?

David Martinez, CIP Director, explained that it is possible and there can be minor redesigns that will take at the most three or four weeks.

Commissioner Tobin stated that he does not want to compromise and he wants the public to have a park; there are two golf courses in the City already. Discussion continued regarding costs to build the park.

Vice-Mayor Steinberg suggested referring the item to get public input and have an in-depth discussion.

Motion made by Commissioner Wolfson to refer the item to the Neighborhood/Community Affairs Committee. No second offered.

Commissioner Weithorn requested to add to the motion that they stop everything until it is decided what to do, as there is consensus to modify plans. She suggested referring to the April committee meeting and come back at the May 21, 2014 Commission Meeting.

Former City Commissioner Jorge Exposito stated that the intent of the Par 3 was for a training course for children, including low-income and disadvantaged children, to serve as a feeder pattern for high school golf team, and for track for additional activities. He added that there are funds specifically earmarked for this purpose (CDBT funds) and it can only be used for golf, so the cost will not come out of the taxpayers' money. They need to move forward and get this completed.

Jonathan Groff, Chair of the Parks and Recreational Facilities Board, distributed design materials. He stated that they are going in the direction that the Parks and Facilities Board has not discussed. They are only discussing the use of the land but when there are significant City interests, the board needs to make a recommendation. This Commission made the board stronger by bringing members from Scott Rakow (Youth Center Advisory Board), and they have learned from them the issue of their struggle for usable outdoor recreational space for children.

They decided that the least impacting plan was to eliminate the putting green. There are two other putting greens in the City free of charge, and if there is additional need, the lake can be eliminated. The children need the recreational space, and this is more important.

Mayor Levine asked for consensus regarding what action to take.

Jose Smith, City Attorney, clarified that under the settlement agreement, if this is to be done, it requires a special public hearing. Discussion continued.

Commissioner Weithorn made a motion to hold a Public Hearing on this issue at the April 23, 2014 Commission Meeting to make modifications to the plan.

Commissioner Tobin stated that there is no reason why this land should not be used for the community and suggested reaching out to the homeowner associations. **David Martinez to handle.**

Jonathan Groff, Chair of the Parks and Recreational Facilities Board, spoke.

Barry Miller spoke in support of a Par 3 golf course. Discussion continued.

Motion made by Commissioner Weithorn to schedule a public hearing on April 23, 2014 to expand the play area by taking over the putting green, leaving the golf course; no other modifications are being made.

Commissioner Wolfson offered an amendment to keep options open to discuss a passive park.

Sylvia Winitzky, Bayshore Homeowners Association President, spoke in support of the Par 3 golf course.

Vice-Mayor Steinberg stated that both things could be accomplished with the Par 3 and the park. Discussion continued.

Motion seconded by Commissioner Wolfson.

Paul Stein spoke.

MOTION:

Motion made by Commissioner Weithorn to schedule a Public Hearing for April 23, 2014 to discuss modifications to the Par 3 Golf Course; seconded by Commissioner Wolfson; Voice vote: 6-1; Opposed: Commissioner Grieco.

Paul Stein spoke.

MOTION CLARIFIED:

Jimmy L. Morales, City Manager, asked direction regarding stopping all work until further action is taken. Consensus was that was implied/included in the motion.

6:49:22 p.m.

ADDENDUM MATERIAL 2:

R9G Discussion Regarding A Resolution Strongly Endorsing The Mission Of The Pets' Trust Miami ("Pets' Trust") And Encouraging The Mayor And Board Of County Commissioners Of Miami-Dade County To Implement The Will Of The People As Approved By The 2012 Pets' Trust Ballot Initiative And To Fund Improved Animal Services Programs In The 2014-2015 Miami-Dade County Budget.

(Requested By Mayor Philip Levine)

ACTION: Discussion held. **Resolution 2014-28541 adopted.** Motion made by Mayor Levine; seconded by Commissioner Malakoff to adopt the resolution. **Lynn Bernstein to handle. Rafael E. Granado to transmit resolution to the Miami-Dade Board of County Commissioners.**

Michael Rosenberg, cofounder and President of the Pets' Trust, spoke. Mr. Rosenberg and Rita Schwartz, cofounder of Pets' Trust, in 2012 went to the 13 Commissioners of Miami-Dade County and the Mayor of Miami-Dade County, and they told the elected officials that they were tired of having 20,000 animals a year euthanized in Miami-Dade County. Mr. Rosenberg explained that it is less expensive to spay or neuter animals than it is to kill them. The County allowed the placement of an initiative to fund improved animal services programs on the November 2012 ballot, since the County Commission anticipated that the public would turn it down, as the Commissioners believed that the citizens of Miami-Dade County would not raise their own property taxes to stop killing animals. In three months, Pets' Trust created a campaign, and educated the community about the status of our animals. Amazingly, almost 500,000 people voted to stop killing animals and to fund the Trust. Mr. Rosenberg thought that it was a done deal. Mr. Rosenberg added that he thought they lived in a democracy and when the people voted the government would abide by the public's desire. Subsequent to the vote, in July 2013, eight of the County Commissioners and the Mayor of Miami-Dade County decided that the public did not know what they were voting for and refused to raise property taxes to fund the improved animal services. Mr. Rosenberg explained that he is here today to ask the City Commission to remind the County Commissioners and County Mayor that the citizens of Miami-Dade County did know what they were voting for, and he would like the City of Miami Beach to pass a resolution that demands stopping the killings of animals and emphasizes that when voters approve a measure the government should follow through.

Commissioner Weithorn asked Mr. Rosenberg if he knew the statistics as to how the City of Miami Beach voted on this issue.

Michael Rosenberg stated that he did not have the exact figures but that it was 60 to 65% in favor of it.

Commissioner Weithorn stated that it would have been nice if she could have had that information, but any way all they are asking is to affirm what the voters had done.

Mayor Levine passed the gavel and made a motion to approve the resolution; seconded by Commissioner Malakoff; Voice vote 7-0.

Commissioner Weithorn requested for Mr. Rosenberg to send the Miami Beach statistics on the vote so that it can be sent along with the resolution to Miami-Dade County. **Lynn Bernstein to handle.**

Irene Secada, a resident of Coral Gables, thanked the Commission for their vote, and stated that Miami Beach was the third City to adopt such a resolution. She added that when Jacksonville started a program of spaying and neutering they reduced the need to euthanize the animals in the community by incredible numbers.

Mayor Levine thanked Michael and Rita for the work they do for the Pets' Trust.

5:56:19 p.m.

ADDENDUM MATERIAL 3:

R9H Discussion Regarding The Proposed Soccer Stadium On Dodge Island That Is Estimated To Generate 5,000 Cars Per Game Or Special Event.
(Requested Vice-Mayor Micky Steinberg)

ACTION: Discussion held. **Item heard in conjunction with R7C.** See action with R7C.

7:15:23 p.m.

ADDENDUM MATERIAL 3:

R9I Discussion Related To Miami Beach Cleanliness And A Proposal For The "Can On Every Corner" Program.
(Requested By Mayor Philip Levine)

ACTION: Discussion held.

RECOMMENDATIONS:

1. Additional trashcans to be placed on streets parallel to Washington Avenue.
2. Post signage regarding enforcement fines for littering.
3. *See It Report It* App to be implemented June 1, 2014.

Eric Carpenter to handle recommendations 1 and 2. Mark Taxis to handle recommendation 3.

Mayor Levine stated that there are not enough trashcans and he suggested implementing a program to add more bins.

Eric Carpenter, Public Works Director, explained that there are some areas of the City that do deserve additional trashcans, but not everywhere in the City, as some residential neighborhoods may not want them.

Commissioner Malakoff clarified that this is in particular for the areas from South Beach up to Lincoln Road on the parallel streets to Washington, such as Euclid, Meridian and Jefferson, where there are no trashcans to deposit litter or waste. Furthermore, at South Pointe Park, people are leaving trash in the rocks or the jetty and there needs to be signage with littering and enforcement fees posted.

Commissioner Weithorn asked what happened to the *See It Report It* App that she suggested for the public to report people that they see violating the litter law.

Mark Taxis, Assistant City Manager, stated that they have been working on the App, which will be implemented June 1, 2014. This App will pull all the Apps into one, so residents do not have different Apps on their cellphones. They are working now to make the reports come in-house, so that it works with the program that Public Works uses; so that as soon as someone reports the

problem, that report goes directly to Public Works or the appropriate department to deal with it quickly.

7:19:08 p.m.

New Item

Jimmy L. Morales, City Manager, stated that Gay Pride representatives approached Administration recently. Last year they asked for a rainbow pattern to be painted on Ocean Drive and 12th at the crosswalk at a cost of \$10,000 for the weekend. Those funds were not available last year, and they are asking for the same thing this year, and although he has the authority to grant the request, he asked for direction from the City Commission.

Discussion held regarding sponsorship funding for future events. Commissioner Weithorn suggested installing individual pavers and selling brick by brick later to recoup the funds.

Commissioner Wolfson suggested creating something similar to Halsted Street in Chicago, where there is a gate with rainbows painted on it, which serves as an entryway to a street well known for being friendly to the gay community. Discussion continued regarding cost.

Commissioner Weithorn recommended a more permanent solution, such as different colored pavers be considered.

Jimmy L. Morales, City Manager, will try a low-cost alternative.

End of Regular Agenda

Meeting adjourned at 7:23:06 p.m.